

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

-VS-

KERRY P. McNAMARA

Defendant

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:
: CASE NO. 1:11 CR 123-01
:
:
:

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:
: ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF
: HEARING
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the plea hearing and plea agreement of Kerry P. McNamara which was referred to the Magistrate Judge with the consent of the parties.

On 30 March 2011, the government filed a one-count information against Kerry P. McNamara for attempted income tax evasion in violation of 26 U.S.C. § 7201. On 7 April 2011, a hearing was held in which Kerry P. McNamara was arraigned, executed a waiver of indictment, waived the reading of the information and entered a plea of guilty before Magistrate Judge Vecchiarelli. Magistrate Judge Vecchiarelli received Kerry P. McNamara's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Kerry P. McNamara is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Kerry P. McNamara is adjudged guilty of Count One in violation of 26 U.S.C. § 7201.


Sentencing will be:

21 June 2011 at 10:30 a.m.

Courtroom 16B
16th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113

IT IS SO ORDERED.

Dated:

29 April 2011 
UNITED STATES DISTRICT JUDGE